

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

WILLIAM R. KERBY,	:	
	:	
Petitioner,	:	Case No. 3:08cv287
	:	
vs.	:	District Judge Thomas M. Rose
	:	Magistrate Judge Sharon L. Ovington
TIMOTHY BRUNSMAN,	:	
WARDEN,	:	
	:	
Respondent.	:	
	:	

ORDER

The Court has reviewed *de novo* the Report and Recommendations of United States Magistrate Judge Sharon L. Ovington (Doc. # 7), to whom this case was originally referred pursuant to 28 U.S.C. §636(b), and noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) has expired, hereby adopts said Report and Recommendations. It is therefore **ORDERED** that:

1. The Report and Recommendations filed on April 28, 2011 (Doc. #7) is ADOPTED;
2. Petitioner William R. Kerby's petition for writ of habeas corpus (Doc. #1) is DENIED with prejudice in its entirety;
3. This case is TERMINATED on the docket of this Court; and
4. No certificate of appealability issue in conjunction with this matter.

August 15, 2011

*/s/**THOMAS M. ROSE**

Thomas M. Rose
United States District Judge